

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PATRICK THOMAS, #07437-025

PETITIONER

V.

CIVIL ACTION NO. 3:17-CV-462-DPJ-FKB

WARDEN MARCUS MARTIN

RESPONDENT

ORDER

This action pursuant to 28 U.S.C. § 2241 is before the Court on the Report and Recommendation [13] of Magistrate Judge F. Keith Ball. Petitioner Patrick Thomas, a federal prisoner, asserts that his sentence was improperly enhanced under the sentencing guidelines. Judge Ball recommended dismissing the petition, noting that the proper vehicle for challenging a federal conviction or sentence is a motion under 28 U.S.C. § 2255 and that Thomas's claim does not fall within the savings clause. R&R [13] at 1–2. Petitioner did not file an Objection, and the time do so has passed.¹

The undersigned agrees with the findings of Judge Ball. The unopposed Report and Recommendation [13] is adopted as the opinion of the Court. This action is dismissed.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 6th day of April, 2020.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE

¹ Judge Ball mailed copies of the R&R to Thomas at the address on the docket (Yazoo City, MS) and the address reflected on the Bureau of Prisons' website (Beaumont, TX). The copy sent to Beaumont, Texas, was returned as undeliverable [14].